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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/640,092 | 08/17/2000 | Klaus Klemm | 732/00018 | 4782 |

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KEIL & WEINKAUF
1350 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20036

EXAMINER

BAHTA, ABRAHAM

ART UNIT PAPER NUMBER

1775

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/640,092

Applicant(s)

KLEMM ET AL.

Examiner

Abraham Bahta

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/23/03 has been entered.

2. ***Election/Restriction***

Claims 1-17 are pending in this applications. Non-elected claim 12 has been withdrawn from consideration. Rejoinder of the claim would be considered upon indication of allowable subject matter pursuant to MPEP 821.04.

3. ***Drawings***

The applicant submitted an English language translation of two figures (not labeled) previously provided in paper number 7 for consideration by the Examiner; however, the drawings have not been considered because its relevance has not been explained in the specification and is not clear what they represent. The sheet of drawing submitted October 25, 2000 contains two figures (1 and 2) and only these two figures are illustrated in the specification on pages 11-12.

4. ***Claim Objections***

In claim 13, line 2 after the term "securing" the word --the-- should be added.

5. ***Claim Rejections - 35 USC § 112***

Claim 13 is confusing in that it is not understood if applicant intends to claim a method of utilizing/using a cover plate or a method of assembly of the cover plate.

Claim 13 merely recites securing integrated, molded-on functional elements to the reinforcer and bonding the reinforcer to the decorative part. This does not appear to be a method of utilizing the cover plate. Appropriate correction is requested.

Claims 14-17 are drawn to a method of utilizing a cover plate but, since the claims do not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. The claims are incomplete in the absence of method steps.

6. ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier et al (USP 5,830,552).

7. Meier teaches a cover plate for household devices such as a refrigerator or dish washing machine (col. 4, lines 54+) comprising a core plate and a decorative part. See col. 5, lines 4-8. The reference also teaches the cover plate reinforcer sections have two angled sections injection molded as a closed frame. Further, the reference teaches the frame may comprise individual ribs in which the ribs absorb compressive forces. See

col. 4, lines 33-39. Meier teaches that the plate constructed is intended mainly as a cover plate for kitchen appliances and that the leg of the inner frame or the injection molded on strip engaging over the underside has the necessary sections or profiles for fixing the plate to the kitchen appliance casing. See col. 4, lines 54-59. In addition the reference teaches the core plate is provided with an insulating plate made from another material with thermal and/or acoustic insulating properties and the core plate may be made from a wooden material and can be provided on its top surface with a cut and scratch-proof material and optionally also decorative top or cover coating, whereas, the insulating plate can be made from a foamed plastic. See col. 5, lines 1-8. The cover plate may also be made from glass, plastic or metal. See col. 5, lines 42-53.

8. The reference does not specifically mention molded-on functional elements; however, since the reference at col. 4, lines 54-59 suggests that the plate constructed is intended mainly as a cover plate for kitchen appliances and that the leg of the inner frame or the injection molded on strip engaging over the underside has the necessary section or profiles for fixing the plate to the kitchen appliance casing, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the necessary functional elements so that the product may fit over a household device.

9. Regarding claim 5, the reference teaches the cover plate has a core plate. It is the Examiner's position that a plate may be a sheet of material.

10. Concerning claim 6, the reference does not require the reinforcer or the core plate to have a structure of a box or a crate; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to design the

reinforcer or the core plate as a box or crate depending on the shape of the household device for which the cover plate is intended.

11. With respect to claims 8-10, the reference does not require integrated, molded-on functional elements comprising a dispenser box, condensation box, or integrated water duct; however, since the reference teaches the cover plate is intended as a cover plate for kitchen appliances such as a refrigerator or dishwasher, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the cover plate by providing the necessary functional elements depending on the household appliance for which the cover plate is intended.

12. Regarding claim 11, the reference teaches the core plate may be made from a plastic material. See col. 5, lines 47-48.

13. Regarding claims 14-17, as discussed above, the cover plate of Meir is intended for use as a household device cover plate and that the household device may be a dishwasher or refrigerator.

Response to applicant's remarks/arguments

The applicant submitted an English language translation of two un-labeled figures previously provided on 1/28/03 for consideration by the Examiner; however, the drawings have not been considered because its relevance has not been explained in the specification and is not clear what they represent.

The applicant further requests consideration of the rejection of claims 13-17 under 112 as indefinite. The Examiner contends that claim 13 merely recites securing integrated, molded-on functional elements to the ^{reinforcer}reinforcer and bonding the reinforcer

Art Unit: 1775

to the decorative art and this limitation does not appear to be a method of utilizing the cover plate.

Any inquiry concerning this communication should be directed to Abraham Bahta whose telephone number is (571) 272-1532. The Examiner can normally be reached Monday-Friday from 11:30 AM -8:00 PM (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Bahta

03/15/04


DEBORAH JONES
SUPERVISOR PATENT EXAMINER